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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 JAMAL JENKINS,

No. C-10-1687 TEH (PR)

12 Plaintiff,

13 v.

ORDER OF DISMISSAL

14 ELOY MEDINA, et. al.,

15 Defendant(s) .  
16 \_\_\_\_\_/

17  
18 Following this Court's order to do so, see Doc. #5,  
19 Plaintiff filed a pro se civil rights First Amended Complaint under  
20 42 U.S.C. § 1983, which is now before the Court for screening under  
21 28 U.S.C. § 1915A.  
22

23 I

24 Federal courts must engage in a preliminary screening of  
25 cases in which prisoners seek redress from a governmental entity or  
26 officer or employee of a governmental entity. 28 U.S.C. § 1915A(a).  
27 The court must identify cognizable claims or dismiss the complaint,  
28 or any portion of the complaint, if the complaint "is frivolous,

1 malicious, or fails to state a claim upon which relief may be  
2 granted," or "seeks monetary relief from a defendant who is immune  
3 from such relief." Id. § 1915A(b).

4 To state a claim under 42 U.S.C. § 1983, a plaintiff must  
5 allege two essential elements: (1) that a right secured by the  
6 Constitution or laws of the United States was violated, and (2) that  
7 the alleged violation was committed by a person acting under the  
8 color of state law. West v. Atkins, 487 U.S. 42, 48 (1988).

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10 II

11 In his First Amended Complaint, Plaintiff alleges that he  
12 "suffered deprivation of his rights under the United States and  
13 California's Constitutions" due to actions taken by Salinas Valley  
14 State Prison ("SVSP") Appeals Coordinators Eloy Medina and T. Variz.  
15 Doc. #7. Specifically, Plaintiff alleges that Medina and Variz  
16 subjected him to "a pernicious campaign of harassment" achieved in  
17 part by the "systematic screening out" of his prison administrative  
18 grievances "between 2007 and 2009." Id. at 3.


19 Regrettably for Plaintiff, allegations of verbal  
20 harassment and abuse fail to state a claim cognizable under 42  
21 U.S.C. § 1983. See Freeman v. Arpaio, 125 F.3d 732, 738 (9th Cir.  
22 1997). Further, it is well-established in the Ninth Circuit that  
23 there is no constitutional right to a prison administrative appeal  
24 or grievance system. See Ramirez v. Galaza, 334 F.3d 850, 860 (9th  
25 Cir. 2003); Mann v. Adams, 855 F.2d 639, 640 (9th Cir. 1988); see  
26 also Wolff v. McDonnell, 418 U.S. 539, 565 (1974) (noting, without  
27  
28

1 criticism, Nebraska prison system contained no provision for  
2 administrative review of disciplinary decisions).

3           Plaintiff's allegations regarding harassment by SVSP  
4 correctional officers and the denial of a right to file prison  
5 grievances do not state a claim upon which relief may be granted  
6 under 42 U.S.C. § 1983. Accordingly, the instant action is  
7 DISMISSED. The Clerk is directed to terminate any pending motions  
8 as moot and close the file.

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10           IT IS SO ORDERED.

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12 DATED           03/08/2011

  
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THELTON E. HENDERSON  
United States District Judge

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